

ROCHESTER CITY COUNCIL

REGULAR MEETING

MARCH 18, 2009

Present - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

DES

*Jeffrey L. Downey

LIBRARY

*Nancy A. Frey

RPD

*Matthew J. McGee

*James W. Noble

*Stephen R. Williams

**Not attending meeting.*

APPROVAL OF THE MINUTES

By Councilmember McFadden

RESOLVED, that the minutes of the Regular Meeting of February 17, 2009 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 3954-7

Notice of Environmental Determination 3955-7

March 18, 2009

THE COUNCIL PRESIDENT --- PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES. None presented.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Changing The Zoning Classification Of 1443-1477 East Main Street From R-2/O-O Medium Density Residential/Office Overlay To C-1 Neighborhood Commercial Int. No. 74 No speakers.

Amending The Official Map By Abandonment Of A Portion Of Falls Street Int. No. 78 No speakers.

Continuation Of Local Improvement Ordinance No. 1291 Relating To The Main Street Enhancement District Int. No. 82 No speakers.

INTRODUCTION OF AND ACTION UPON LOCAL LAWS, ORDINANCES AND RESOLUTIONS

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-56

Re: Midtown Redevelopment Project

Transmitted herewith for your approval is legislation adopting the State Environmental Quality Review Findings Statement for the Midtown Redevelopment Project as approved by the Director of Zoning, the Lead Agency. In accordance with the NYS Environmental Quality Review Act and Chapter 48 of the Municipal Code, the Council must make its findings before taking any further action relating to the Midtown Redevelopment Project.

A final generic environmental impact statement for the Project was prepared by LaBella Associates P.C. on behalf of the Director of Zoning, and was accepted on February 20, 2009. A copy of the State Environmental Quality Review Findings Statement was submitted to the Office of the City Clerk on March 3, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-56
(Int. No. 102)

Adopting Environmental Findings For The Midtown Redevelopment
Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby adopts the State Environmental Quality Review Findings Statement for the Midtown Redevelopment Project as approved by the Director of Zoning as Lead Agency.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

March 18, 2009
REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Conklin
March 18, 2009

To the Council:

The Finance Committee recommends for Adoption the following entitled legislation:

Int. No. 67 - Amending The 2008-09 Budget For The Office Of Special Events And Amending Ordinance No. 2008-394

Int. No. 68 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Information Technology Advisory Services

Int. No. 69 - Establishing Maximum Compensation For A Professional Services Agreement For Computer Services

Int. No. 70 - Authorizing An Agreement For The Lease Of Space For The Office Of Employment Opportunities

Int. No. 101 - Authorizing Agreements For The Rochester Rhinos Stadium Project, Appropriating Funds And Amending Ordinance No. 2008-325

Respectfully submitted,
Carolee A. Conklin
Carla M. Palumbo
Lovely A. Warren
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-57
Re: Budget Amendment - Special Events

Transmitted herewith for your approval is legislation related to the recent shift of the Special Events unit from the Department of Recreation and Youth Services to the Bureau of Communications. The move is being made to promote efficiencies in planning and promotion, and to align similar work activities under one director. This legislation will:

1. Amend the 2008-09 Budget by transferring \$1,025,000 from the Department of Recreation and Youth Services to Communications. The total amount consists of the Special Events activity in the amount of \$962,300 and the High Falls laser show activity in the amount of \$62,700. This transfer includes five full-time positions and one part-time position.
2. Amend Ordinance 2008-394, which was approved by Council on November 25, 2008, for an agreement with the Rochester Philharmonic Orchestra in the amount of \$75,000. The ordinance shall be amended to say "funded from the 2008-09 Budget of Communications."

Respectfully submitted,

March 18, 2009

Robert J. Duffy
Mayor

Attachment No. AI-17

Ordinance No. 2009-57
(Int. No. 67)

Amending The 2008-09 Budget For The Office Of Special Events
And Amending Ordinance No. 2008-394

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$1,025,000 from the Department of Recreation and Youth Services to the Bureau of Communications to fund the Office of Special Events.

Section 2. Ordinance No. 2008-394, relating to an agreement with the Rochester Philharmonic Orchestra, is hereby amended by changing the source of funding from the 2008-09 Budget of the Department of Recreation and Youth Services to the 2008-09 Budget of the Bureau of Communications.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-58
Re: Agreement - Gartner, Inc.,
Information Technology Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Gartner, Inc. of Connecticut for continued information technology research and advisory services. The original agreement, authorized in March 2008, established maximum compensation of \$25,500. This amendment will increase this amount by \$26,950 for a total of \$52,450, and extend the term of the agreement by one year. The additional amount will be funded from the 2008-09 Budget of the Information Technology Department (ITD).

Gartner, Inc. is a leading independent information technology research firm which provides research and advice on vendors, product technology, and best practices used in the field and in governmental agencies. Gartner's expertise will assist ITD in the continuing development of its general strategy, making recommendations on vendor selection, and in implementing related best practices within ITD and other City departments. Gartner's services have been used during the last year to assist with the validation of specifications for requests for proposals, to select and deploy an effective organization-wide business process automation system, and to provide guidance on the development of negotiation strategies for major software and hardware purchases.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-58
(Int. No. 68)

March 18, 2009
Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For Information Technology
Advisory Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$26,950, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Gartner, Inc. for information technology research and advisory services. Said amount shall be funded from the 2008-09 Budget of the Information Technology Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-59
Re: Agreement - PSR Incorporated,
IBM Mainframe Disaster Recovery
And Maintenance

Transmitted herewith for your approval is legislation establishing \$228,000 as maximum compensation for a five year agreement with PSR Incorporated, Canton, MA, to provide a backup for the City's mainframe computer in the event of a disaster. The annual cost of this agreement, \$45,600, will be funded from the 2008-09 and subsequent annual budgets of the Information Technology Department.

The majority of the City's business operations run on the IBM mainframe computer located within the city. Over the years, the City has developed numerous systems and programs to perform critical activities such as payroll, tax billing, finance transactions, and building service information. These services depend completely on the availability of the mainframe, which underscores the need for a backup in case of a disaster, extended outage or unrecoverable mainframe problem.

PSR Incorporated will provide:

- Mainframe resources at their secure data center with capabilities that equal or surpass the City's mainframe;
- Upgrades to the City's mainframe system to ensure compatibility with the back-up system (requires approximately 450 hours);
- Testing and support services to ensure operability of recovery systems; and
- Connections from City locations to the PSR mainframe to support remote operation of recovery tests and incidents.

PSR Incorporated was selected for these services because of their familiarity with our existing mainframe system. PSR provided outstanding service in 2007 supporting the purchasing of our current mainframe. They also provided consulting services during the move of information technology functions from City Hall to the Public Safety Building in 2002.

Respectfully submitted,
Robert J. Duffy
Mayor

March 18, 2009

Ordinance No. 2009-59
(Int. No. 69)

Establishing Maximum Compensation For A Professional Services
Agreement For Computer Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$228,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and PSR Incorporated for disaster recovery and professional support services for the IBM mainframe for a period of five years. Of said amount, \$45,600 shall be funded annually from the 2008-09 and subsequent Budgets of the Information Technology Department, contingent upon adoption of subsequent budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-60
Re: Lease Agreement - Rochwil
Associates, Space for the
City's Office of Employment
Opportunities

Transmitted herewith for your approval is legislation authorizing a two-year lease agreement with Rochwil Associates for the use of 16,281 square feet of space on the second floor of the Sibley Tower Building. Rochwil Associates is donating the space and will provide utilities at no cost to the City. This agreement does not require the use of City funds as payment for use of the space. The lease will terminate on March 31, 2011.

This space will accommodate the newly established Office of Employment Opportunities. It is anticipated that the space will be shared with partners who will be participating in various training-to-employment services. The space will be used as a center for technical education, training, workforce development and support, with the goal of creating employment opportunities for Rochester residents.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-60
(Int. No. 70)

Authorizing An Agreement For The Lease Of Space For The Office
Of Employment Opportunities

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Rochwil Associates for the lease of approximately 16,281 square feet of space at the Sibley Tower Building for the Office of Employment Opportunities. The lease shall extend through February 28, 2011. Rochwil Associates shall donate the cost of the space and the cost of utilities to the City.

March 18, 2009

Section 2. The lease agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-61

Re: Dormitory Authority Grant -
Rochester Rhinos Stadium Project

Transmitted herewith for your approval is legislation related to State funding for the Rochester Rhinos Stadium. This legislation will:

1. Authorize an agreement with the Dormitory Authority of the State of New York (DASNY) for the receipt and use of \$4,000,000 in anticipated reimbursements to continue the design and construction of the Rochester Rhinos Stadium Project;
2. Establish \$3,700,000 as maximum compensation for an agreement with LeChase Construction Services, LLC, Rochester, to continue construction and construction management services; and
3. Amend Ordinance No. 2008-325 which established maximum compensation for an agreement with HOK Sports Facilities Architects P.C. for architectural design services. The amendment will change the source of funds from the 2007-08 Cash Capital allocation to the anticipated reimbursements from the Dormitory Authority.

The Rochester Rhinos Stadium LLC was in default of the ground lease with the City for the stadium properties and was also in default of the private loan it had obtained to develop the subject parcels. Before construction of the stadium was completed, the City cancelled the ground lease in February 2008 and took possession of the unfinished stadium. The City also assumed administrative oversight for the second phase of the Stadium project.

The application to DASNY from the Stadium LLC, with LeChase designated as the construction firm, was in place when the company defaulted. DASNY requested a new application with the City after it assumed responsibility. In order to take advantage of the work LeChase had completed, their familiarity with the design, and the fact that DASNY will not provide reimbursement to re-do any work that was or should have been part of the earlier phase, LeChase has been selected to continue with this phase. LeChase has agreed to continue with the project labor agreement they had already established.

The project will include the completion of the press box and build-out of approximately sixteen suites and a clubroom/lounge on the existing Press Level. If funds are available, locker rooms for the teams will also be constructed. Once the final design is completed and the parties agree upon responsibility for different portions of the Project, the amount available under the agreement with LeChase may be reduced by amounts necessary to fund City portions of the Project, all within the total amount.

It is anticipated that construction will commence in April 2009, with completion by the end of the year.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-61

March 18, 2009

(Int. No. 101)

Authorizing Agreements For The Rochester Rhinos Stadium
Project, Appropriating Funds And Amending Ordinance No. 2008-
325

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Dormitory Authority of the State of New York for funding for the continuation of the Rochester Rhinos Stadium Project.

Section 2. There is hereby appropriated from anticipated reimbursements from the Dormitory Authority of the State of New York the sum of \$4,000,000, or so much thereof as may be necessary, to fund the continuation of the Rochester Rhinos Stadium Project.

Section 3. The sum of \$3,700,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an agreement between the City and LeChase Construction Services, LLC for continuation of construction and construction management services for the Rochester Rhinos Stadium Project. Said amount shall be funded from the appropriation made in Section 2.

Section 4. Ordinance No. 2008-325, relating to an agreement for architectural design services for the Rochester Rhinos Stadium Project, is hereby amended by changing the source of funding from the 2007-08 Cash Capital allocation to the appropriation made in Section 2.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Warren
March 18, 2009

To the Council:

The Neighborhood & Community Development Committee recommends for Adoption the following entitled legislation:

Int. No. 71 - Authorizing The Sale Of Real Estate

Int. No. 72 - Authorizing Agreements And Appropriating Funds For The Lead Hazard Control Grant Program And Repealing Ordinance No. 2009-6, As Amended

Int. No. 73 - Authorizing Agreements For The Housing Opportunities For Persons With AIDS Program And Amending Ordinance No. 2007-31

Int. No. 95 - Resolution Approving Reappointments To The Electrical Examining Board

Int. No. 100 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$550,000 Bonds Of Said City To Finance The Cost Of Asbestos Abatement And Demolition Of 300-320 Andrews Street And 25 Evans Street In The City

The Neighborhood & Community Development Committee recommends for Consideration the following entitled legislation:

March 18, 2009

Int. No. 74 - Changing The Zoning Classification Of 1443-1477 East Main Street From R-2/O-O
Medium Density Residential/Office Overlay To C-1 Neighborhood Commercial

Respectfully submitted,
Lovely A. Warren
Carolee A. Conklin
Carla M. Palumbo
William F. Pritchard
NEIGHBORHOOD & COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-62
Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of seven properties. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that purchasers do not own other properties with code violations or delinquent taxes. The records of the Division of Code Enforcement were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property is a buildable lot being sold in the Susan B. Anthony Request for Proposal (RFP) sale. The purchaser is the owner of the adjoining property and will combine the vacant land with her primary lot. The vacant lot is not appropriate for a single-family structure; the purchaser has agreed to a permanent easement to allow access through the property. This access and her plan to build a traditional Victorian garden are consistent with the neighborhood plan.

The next lot is being sold at appraised value to SUNOCO, Inc. SUNOCO leases the adjoining lot at 1431 Dewey Avenue as a gas station. The buyers plan to utilize the City-owned land with the leased lot and provide an additional area for parking.

The last five properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The purchasers will combine the parcels with their adjoining properties.

The first year projected tax revenue for these seven properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$3,243.

All City taxes and other charges, except water charges, against properties being sold by the City will be canceled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-18

Ordinance No. 2009-62
(Int. No. 71)

Authorizing The Sale Of Real Estate

March 18, 2009

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of the following parcel through the request for proposal sale of vacant land with proposal:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Price</u>	<u>Purchaser</u>
20 King St	120.36-2-38.2	40x128	\$50	Marlene Sutliff

Section 2. The Council hereby approves the negotiated sale of the following parcel of vacant land with proposal:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Price</u>	<u>Purchaser</u>
1441 Dewey Ave	090.50-1-62	51x100	\$13,000	*SUNOCO, Inc.

* Principals: Terence P. Delaney, Interim Chief Financial Officer; Lynn L. Eisenhans, CEO/President/Director; Michael Colavita, Treasurer; Bruce G. Fischer, Sr. Vice President; Michael J. Hennigan, Sr. Vice President; Vincent J. Kelley, Sr. Vice President; Joseph P. Krott, Comptroller

Section 3. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
221 Fulton Ave	105.35-1-16	55x82	4,510	Donna Phoenix
95 Eiffel Pl	091.80-4-43	37x142	5,254	John & Denise Norris
10 Reed Pk	106.41-2-45	38x90	3,420	Antonina Mastrovecchio
30-32 Melville St	107.53-2-76.1	58x108	3,675	*N.E.A.D.
925 Hudson Ave	091.81-1-10	34x110	3,740	**Christ Divine Assembly

* Principals: Thomas Banister, President; Donna Blake, Vice President; Robert Shewell, Secretary; Kenneth Graci, Treasurer; Juanita Ball, Board Member; Joan Moorehead, Board Member; Eloise Henry, Board Member; Jimmie Highsmith, Jr., Board Member; Mary Ann Lipani-Sample, Board Member

**Principals: Pastor Arthur Kerr; Trustees - Sean Nhong, Arthur Kerr, Norma Kerr

Section 4. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-63
Re: New York State Affordable
Housing Corporation Grant

March 18, 2009

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Affordable Housing Corporation for the receipt and use of a \$500,000 grant. These funds will be used to offer owner-occupants financial assistance to correct lead-based paint hazards and to undertake general repair work.

The City's Lead Hazard Control Program provides funds to correct lead-based paint hazards, but does not fund general rehabilitation such as furnace repairs, electrical work or sewer replacement. This grant will fill this void by making funding available for both lead hazard control as well as general repair work. Applicants will be required to enroll in the City's Lead program to take advantage of these funds. However, flexibility will be maintained to allow these funds to be paired with funding for future programs.

Eligible work activities will include lead hazard control, repairs affecting health and safety, code compliance, and general repairs. Eligible property owners must earn incomes at or below 80% of area median income, must have a child under age 6, and must agree to reside in the property for a period of five years. Program eligibility is subject to change should a future funding source be paired with the Affordable Housing Corporation grant funds.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-63
(Int. No. 72, As Amended)

Authorizing Agreements And Appropriating Funds For The Lead
Hazard Control Grant Program And Repealing Ordinance No. 2009-6

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Affordable Housing Corporation for funding for the Lead Hazard Control Grant Program and additional general repairs. The Mayor is hereby further authorized to enter into such agreements as may be necessary to implement the Program and additional general repairs.

Section 2. There is hereby appropriated from funds to be received under the grant agreement authorized herein the sum of \$500,000, or so much as may be received, to fund the Lead Hazard Control Grant Program and additional general repairs.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2009-6, amending the 2008-09 Budget for lead poisoning prevention, is hereby repealed.

Section 5. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2009-64
Housing Opportunities for
Persons with AIDS

March 18, 2009

Transmitted herewith for your approval is legislation related to the 2008-09 Federal Housing Opportunities for Persons with AIDS (HOPWA) Program. This legislation will:

1. Establish maximum compensation for agreements with two service providers as follows:

<u>Organization</u>	<u>Amount</u>	<u>Households Served</u>
AIDS Rochester, Inc.	\$385,338	95
Diocese of Rochester - Catholic Charities	\$236,153	93

2. Amend Ord. No. 2007-31 to reduce the compensation established for Catholic Charities by \$31 and AIDS Rochester, Inc. by \$660, and re-appropriate those unexpended 2006-07 HOPWA funds totaling \$691, to partially fund the above agreements; and
3. Appropriate \$620,800 in HOPWA funds, included in the 2008-09 Consolidated Community Development Action Plan, to finance the cost of the agreements.

The total HUD allocation for 2008-09 is \$640,000; \$19,200 will cover administrative costs.

The HOPWA program provides housing assistance services, long-term rent subsidies, and short-term emergency rent and utility assistance, to meet the housing needs of persons with AIDS and related diseases. Data about the most recent completed program year is attached.

Since 1999, funds for these programs have been allocated to the City as part of the HUD consolidated entitlement program. At that time, a survey of the housing needs and available housing services for people with AIDS was conducted. Organizations that had received HOPWA funds in the past and other agencies that serve people with AIDS were surveyed.

In the absence of inquiries from other qualified providers who have the necessary additional funding from New York State, and with the good performance of current providers, it was decided that current providers be re-funded.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-19

Ordinance No. 2009-64
(Int. No. 73)

Authorizing Agreements For The Housing Opportunities For
Persons With AIDS Program And Amending Ordinance No. 2007-31

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following organizations for services under the Housing Opportunities for Persons With AIDS Grant Program:

<u>Organization</u>	<u>Amount</u>
AIDS Rochester, Inc.	\$385,338
Catholic Charities, Inc.	236,153

March 18, 2009

Section 2. The agreements shall obligate the City to pay an amount not to exceed \$621,491, and of said amount, \$620,800 is hereby appropriated from Housing Opportunities for Persons With AIDS Grant Funds and \$691 is reappropriated from funds reduced in Section 4.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. Ordinance No. 2007-31, appropriating funds and authorizing agreements for the Housing Opportunities for Persons With AIDS Grant Program, is hereby amended by reducing the amount authorized and appropriated therein for Catholic Charities, Inc. by the sum of \$31, and for AIDS Rochester, Inc. by the sum of \$660, which amounts are reappropriated herein.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2009-5
Re: Reappointments - Electrical
Examining Board

Transmitted herewith for your approval is legislation confirming the reappointments of five members of the Electrical Examining Board, as follows:

<u>Member</u>	<u>Last Appointment</u>	<u>Attendance</u>
Andrew Cresciullo 14 Yolanda Drive Rochester, NY 14624	March 2007	13 of 16 meetings
Joseph D. Armstrong 30 Cheshire Lane Rochester, NY 14624	March 2007	12 of 16 meetings
William Stiewe Rochester Gas and Electric 89 East Avenue Rochester, New York 14604	March 2007	7 of 16 meetings
Walter Parkes 141 Browncroft Boulevard Rochester, NY 14609	March 2007	10 of 16 meetings
Dennis Schaut 51 Vayo Street Rochester, NY 14609	March 2007	16 of 16 meetings

The terms for each member will extend through December 31, 2011. Resumes are on file in the City Clerks office.

Respectfully submitted,
Robert J. Duffy
Mayor

March 18, 2009

Attachment No. AI-20

Resolution No. 2009-5
(Int. No. 95)

Resolution Approving Reappointments To The Electrical Examining
Board

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reappointment of the following persons to the Electrical Examining Board for terms which shall expire on December 31, 2011:

Andrew Cresciullo
14 Yolanda Drive
Rochester, New York 14624

Joseph D. Armstrong
30 Cheshire Lane
Rochester, New York 14624

William Stiewe
Rochester Gas and Electric
89 East Avenue
Rochester New York 14604

Walter Parkes
141 Browncroft Boulevard
Rochester, New York 14609

Dennis Schaut
51 Vayo Street
Rochester, New York 14609

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-65
Re: Issuance of Bonds Asbestos
Abatement and Demolition of
300-320 Andrews Street and
25 Evans Street

Transmitted herewith for your approval is legislation authorizing the issuance of bonds in the amount of \$550,000, and the appropriation of the proceeds thereof for the asbestos removal and abatement, and subsequent demolition of four structures on City-owned parcels located at 300, 304-308, and 320 Andrews Street and 25 Evans Street. Funding for this purpose, identified as "Investigation and Remediation - Andrews Street", was planned for in the 2008-09 Capital Improvement Program.

This work is being performed due to both the poor condition of the structures and to facilitate environmental investigation and remediation of the site for redevelopment. The combined square footage of the structures is approximately 34,000 sq. ft.

March 18, 2009

The asbestos abatement and demolition will be publicly bid and carried out during 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-65
(Int. No. 100)

Bond Ordinance Of The City Of Rochester, New York, Authorizing
The Issuance Of \$550,000 Bonds Of Said City To Finance The Cost
Of Asbestos Abatement And Demolition Of 300-320 Andrews Street
And 25 Evans Street In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of asbestos abatement and demolition of the City-owned structures at 300-320 Andrews Street and 25 Evans Street in the City (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$550,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$550,000 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$550,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$550,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12-a(b) of the Local Finance Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein

March 18, 2009

authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-66
Re: Zoning Map Amendment -
1443 to 1477 E. Main Street

Transmitted herewith for your approval is legislation to amend the Zoning Map by rezoning four properties at 1443-1449, 1453, 1467-1473 and 1477 E. Main Street from R-2/O-O Medium Density Residential/Office Overlay to C-1 Neighborhood Commercial district.

John Sidou owns the building at 1467 E. Main Street, a nonconforming industrial building in the R-2/O-O district, and operates Goodman Glass and Mirror in approximately 5,000 sq. ft. of floor space. The remaining 13,000 sq. ft. is currently leased to another entity, which plans to relocate. The owner requested rezoning to C-2 Community Commercial to improve the property's marketability.

On February 9, 2009 the City Planning Commission conducted an informational hearing. There was one speaker in support of the proposal and no speakers in opposition. By a vote of 6-0-0, the Commission recommended that the application be modified to rezone the parcels to C-1 Neighborhood Commercial, which is more restrictive than C-2.

The Planning Commission recommendation, hearing minutes, and staff report are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal has been classified as unlisted. The Mayor as lead agency has issued a negative declaration.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy
Mayor

March 18, 2009

Attachment No. AI-21

Ordinance No. 2009-66
(Int. No. 74)

Changing The Zoning Classification Of 1443-1477 East Main Street
From R-2/O-O Medium Density Residential/Office Overlay To C-1
Neighborhood Commercial

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 120 of the Municipal Code, Zoning Code, as amended, is hereby further amended by changing the zoning classification of the following parcels, constituting 1443-1477 East Main Street, from R-2/O-O Medium Density Residential/Office Overlay to C-1 Neighborhood Commercial:

All that tract or parcel of land, situate in the City of Rochester, County of Monroe, State of New York, being part of Town Lot 42, 2nd Division and being more particularly bounded and described as follows: Beginning at the centerline intersection of Barnum Street (49.5' ROW) and East Main Street (66' ROW), said intersection being the Point or Place of Beginning; thence

- 1) Easterly, along said centerline of East Main Street, a distance of 303.5 feet, more or less, to the northerly projection of the east line of Lot 8 of the Otis & Pool Subdivision, as filed in the Monroe County Clerk's Office in Liber 3 of Maps, Page 119; thence
- 2) Southerly, along said projection and the easterly line of Lot 8, a distance of 171.0 feet, more or less, to the southeast corner of said Lot 8; thence
- 3) Westerly, along the south line of said Lot 8, a distance of 35.0 feet to the southwest corner thereof and the northeast corner of Lot 29 of said Otis & Pool Subdivision; thence
- 4) Southerly, along the east line of said Lot 29 and its southerly projection, a distance of 163.0 feet to the centerline of Breck Street; thence
- 5) Westerly, along said centerline of Breck Street, a distance of 71.3 feet, more or less, to the southerly projection of the west line of Lot 28 of the Otis & Pool Subdivision; thence
- 6) Northerly, along said projection and the west line of Lot 28, a distance of 163.0 feet to the northwest corner thereof and the southeast corner of Lot 5 of said Otis & Pool Subdivision; thence
- 7) Westerly, along the rear line of Lots 5 thru 1 of said Otis & Pool Subdivision and its westerly projection, a distance of 197.3 feet, more or less, to the said centerline of Barnum Street; thence
- 8) Northerly, along said centerline of Barnum Street, a distance of 171.0 feet, more or less, to the said centerline of East Main Street, said centerline intersection being the Point or Place of Beginning.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Lightfoot

March 18, 2009

March 18, 2009

To the Council:

The Parks & Public Works Committee recommends for Adoption the following entitled legislation:

Int. No. 75 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$1,600,000 Bonds Of Said City To Finance The Cost Of Construction Of Repairs To The Rochester Riverside Convention Center In The City

Int. No. 76 - Authorizing An Extension Of The Agreement For Management Of The Port Terminal Building

Int. No. 77 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Engineering Design Services For The Broad Street Tunnel Project And Appropriating Funds

Int. No. 91 - Establishing Maximum Compensation For Professional Services Agreements For Mt. Hope Avenue And East Henrietta Road Improvements And Amending Ordinance No. 2005-83

Int. No. 93 - Authorizing An Agreement With The County Of Monroe For Shared Fleet And Equipment Services

Int. No. 96 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$380,000 Bonds Of Said City To Finance The Cost Of The Construction Of Improvements To The High Falls Parking Garage In The City

Int. No. 97 - Approving Economic Recovery Projects, As Amended

Int. No. 98 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of [\$600,000] 700,000 Principal Amount Of Bonds Of Said City To Finance The Cost Of The Construction Of Certain Street Related Improvements For The La Avenida Streetscape Improvements Project In The City, As Amended

Int. No. 99 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For The South Avenue Garage Improvement Project

Int. No. 8 - Amending Ordinance No. 2003-347, Relating To The Apprenticeship Program And Ordinance No. 2003-346, As Amended

The Parks & Public Works Committee recommends for Consideration the following entitled legislation:

Int. No. 78 - Amending The Official Map By Abandonment Of A Portion Of Falls Street

Respectfully submitted,
John F. Lightfoot
Adam C. McFadden
Carla M. Palumbo
William F. Pritchard
PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

March 18, 2009

Ordinance No. 2009-67
Re: Rochester Riverside Convention
Center Roof Replacement Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$1,600,000, and the appropriation of the proceeds thereof to finance the costs of the Rochester Riverside Convention Center Roof Replacement Project.

The Convention Center roof is original to the structure, built in 1985. The roof is a single-ply rubber roof that is past its useful life and requires replacement to prevent damage to the structure and interior finishes. The project includes a new roof system of approximately 85,000 square feet (including pedestrian bridges); curbing and patching of several HVAC roof housing units; gutter installations, and snow retention systems on portions of the metal roof deck to maintain a watertight system.

Bids for construction of the project were received on February 24, 2009. The work will be performed by Leo J. Roth Construction at a cost of \$1,268,682. An additional \$261,318 (20%) will be allocated for project contingencies and other items not included in the contract.

It is anticipated that authorization required by City Council for Resident Project Representation services for the project will be submitted for your consideration in April 2009.

Construction is planned to begin in June 2009, with completion expected in September 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-67
(Int. No. 75)

Bond Ordinance Of The City Of Rochester, New York, Authorizing
The Issuance Of \$1,600,000 Bonds Of Said City To Finance The
Cost Of Construction Of Repairs To The Rochester Riverside
Convention Center In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of construction of repairs to the Rochester Riverside Convention Center at 123 East Main Street in the City, including but not limited to replacement of the roof (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,600,000, and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$1,600,000 bonds of the City and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$1,600,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount

March 18, 2009

of \$1,600,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a.12(a)(1) of the Local Finance Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-68
Re: Amendatory Lease Agreement -
Rochester Riverside Convention
Center, Port Terminal Building

March 18, 2009

Transmitted herewith for your approval is legislation authorizing an amendatory lease agreement with Rochester Riverside Convention Center (RRCC) to extend the term of their lease of space at the Port Terminal Building at 1000 North River Street. This amendment will extend the lease expiration date from November 1, 2011 to November 1, 2014.

The original agreement, approved in June 2008, authorized RRCC to manage special events in the departure hall and to operate the restaurant/bar on the second floor of the Port Terminal Building. The agreement was amended in December 2008 to extend the term so that it would be consistent with Liquor Authority license term requirements, and to facilitate special event bookings.

RRCC has recently applied for and received financing for improvements to the restaurant/bar, now known as Pier 45. One of the conditions of the loan is that the term of the lease with the City coincide with the maturity date of the five-year term loan.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-68
(Int. No. 76)

Authorizing An Extension Of The Agreement For Management Of
The Port Terminal Building

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an extension of the agreement with the Rochester Riverside Convention Center (RRCC) for management of special events in the Departure Hall and of the restaurant/bar and grill on the second floor of the Port Terminal Building at 1000 North River Street through November 1, 2014.

Section 2. The agreement extension shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-69
Re: Amendatory Agreement -
FRA Engineering, P.C.,
Broad Street Tunnel Project
Brown Street to Exchange Boulevard

Transmitted herewith for your approval is legislation related to the Broad Street Tunnel Project (Brown Street to Exchange Boulevard). This legislation will:

1. Authorize an amendatory agreement with FRA Engineering, P.C. for additional engineering design services, to increase total compensation by \$200,000;
2. Appropriate \$193,600 from anticipated reimbursements from the Federal Highway Administration (FHWA) to finance the federal share of additional design and administrative charges; and

March 18, 2009

3. Appropriate \$36,300 from anticipated reimbursements from the State of New York to finance the state share of additional design and administrative costs.

These funds, along with funds from the 2008-09 Budget will be applied to the agreement and for administrative costs as follows:

	<u>FHWA</u>	<u>State</u>	<u>Cash Capital</u>	<u>DES Operating</u>	<u>Total</u>
FRA	\$160,000	\$30,000	\$10,000		\$200,000
Admin.	<u>33,600</u>	<u>6,300</u>		\$2,100	\$ 42,000
	\$193,600	\$36,300			

The original agreement with FRA, authorized in August 1994, was for \$1,224,160 and included extensive engineering design work including site and environmental investigations; the amendment authorized in July 2008 for an additional \$215,000 included supplemental design services and wage rates due to increases since 1994. The amount requested herein will bring total maximum compensation for engineering design services for this project by FRA Engineers to \$1,639,160.

In May 2008, the Genesee Transportation Council, the Rochester area regional metropolitan planning organization, authorized an additional \$8,000,000 in federal aid for continued rehabilitative work within Section 2 of the tunnel, which will extend its overall service life from five years to fifteen years. The work includes additional structural repairs to subsurface concrete components, expansion joint systems, structural steel repairs, and restoration to the deck slab.

This amendatory agreement with FRA Engineering will provide additional engineering planning and final design services to complete these improvements.

The preliminary cost estimate for the project is \$22,812,500, which includes preliminary and final design, right-of-way easements, construction, and contingency. This amount will be financed as follows:

<u>Phase</u>	<u>Total</u>	<u>Federal</u>	<u>State</u>	<u>Local</u>
Design Phase	\$ 1,800,000	\$ 1,440,000	\$ 270,000	\$ 90,000
Construction Phase	<u>21,012,500</u>	<u>16,810,000</u>	<u>3,151,875</u>	<u>1,050,625</u>
Total	\$22,812,500	\$18,250,000	\$3,421,875	\$1,140,625

The local funding for the project will be provided through a combination of City debt, cash capital, operating funds (\$1,099,150) and Monroe County (for traffic features only).

It is anticipated that the construction of the project will begin in Summer 2009 and be completed in 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-22

Ordinance No. 2009-69
(Int. No. 77)

March 18, 2009
Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For Engineering Design Services
For The Broad Street Tunnel Project And Appropriating Funds

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$200,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and FRA Engineering for engineering design services for the Broad Street Tunnel Project. Of said amount, \$160,000 shall be funded from the appropriation made in Section 2, \$30,000 shall be funded from the appropriation made in Section 3 and \$10,000 shall be funded from the 2007-08 Cash Capital allocation.

Section 2. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$193,600, or so much thereof as may be necessary, to fund the Broad Street Tunnel Project.

Section 3. There is hereby appropriated from anticipated reimbursements from the State of New York the sum of \$36,300, or so much thereof as may be necessary, to fund the Broad Street Tunnel Project.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-70
Re: Mt. Hope Avenue Phase I,
E. Henrietta Road, and
Mt. Hope Village District
Improvement Projects

Transmitted herewith for your approval is legislation related to three geographically related projects: Mt. Hope Avenue Phase I Improvement Project (Elmwood Avenue to Rossiter Road); E. Henrietta Road Improvement Project (Mt. Hope Avenue to South Avenue); and the Mt. Hope Village District Improvements Project. This legislation will:

1. Authorize an amendatory agreement with Bergmann Associates, P.C. for final design engineering services for the Mt. Hope Avenue Phase I and East Henrietta Road Improvement Projects. The original agreement, authorized in April 2005, was for \$400,000; this amendment will increase maximum compensation by \$1,024,000 for a total of \$1,424,000.
2. Appropriate \$597,000 from anticipated reimbursements from the Federal Highway Administration (FHWA) to finance a portion of the federal share of the Mt. Hope Avenue Phase I Improvement Project;
3. Appropriate \$340,000 from anticipated reimbursements from the State of New York to finance a portion of the state share of the Mt. Hope Avenue and East Henrietta Road Public Improvement Project;
4. Amend Ordinance No. 2005-83, to add the New York State Marchiselli Aid share, \$60,000, for the cost of design services and to decrease the City share accordingly; and

March 18, 2009

5. Establish \$80,000 as maximum compensation for an agreement with Bergmann Associates, P.C. for engineering design services for the Neighborhood Commercial Parking Lot District in the Mt. Hope Village District.

Mt. Hope Avenue Phase I and E. Henrietta Road Improvement Projects

The Mt. Hope Avenue and East Henrietta Road Public Improvement Projects are Federal-aid projects within the City. Agreements with the FHWA were authorized in December 2004. In April 2005, the original agreement with Bergmann was authorized for the scoping and preliminary engineering design services for the project. Bergmann completed the Design Report for the overall project in December 2008, and a Public Hearing was held on January 21, 2009. A transcript of that hearing is available for review in the Clerk's office.

The Design Report identifies two phases for the overall project to align with available funding from FHWA and New York State. Funding has been identified for the Mt. Hope Avenue Phase I Improvement Project (Elmwood Avenue to Rossiter Road), pending final design. The East Henrietta Road Project, not originally scheduled for Phase I, has been identified for Federal stimulus funding through the Federal American Recovery and Reinvestment Act by the Genesee Transportation Council (GTC), contingent on meeting Federal and State deadlines for obligation of funds.

Bergmann Associates, P.C. is being recommended for final design of the Mt. Hope Avenue Phase I and the East Henrietta Road Improvement Projects based on their qualifications and familiarity with the project.

The cost of the portion of the amendatory agreement related to the Mt. Hope Avenue Phase I project design services will be financed as follows:

<u>Source</u>	<u>Amount</u>
Prior Federal appropriation (Ord. 2004-399)	\$188,124
Current Federal appropriation	446,276
State of New York	118,950
2008-09 Cash Capital	<u>39,650</u>
Total	\$793,000

The cost of the portion of the amendatory agreement related to the East Henrietta Road project, \$231,000, will be financed from the 2008-09 Cash Capital allocation.

New York State Marchiselli Aid was not approved until after the original maximum compensation with the consultant was approved by Council (Ordinance 2005-83). That funding is now available and the Ordinance is being amended to reflect that availability.

Funding for construction of the Mt. Hope Avenue Phase I project is identified in the GTC's Transportation Improvement Program. Funding for the East Henrietta Road Project is contained in Federal Stimulus legislation before City Council. It is anticipated that the East Henrietta Road Project will begin in Fall 2009 with completion in Fall 2010. It is anticipated that the construction of Mt. Hope Avenue Phase I will begin in Spring 2010 with completion in Summer 2011.

Mt. Hope Village District Improvements

In October 2008, the Zoning Code was amended to adopt the C-V Collegetown Village District, which includes Mt. Hope Avenue between Elmwood Avenue and Rossiter Road. Part of that Code amendment encourages the development of shared or connected access with adjoining properties in the District. Shared access would place vehicular parking and access behind buildings as well as minimizing the number of access points on Mt. Hope Avenue.

Several properties within the C-V Collegetown Village District have tentatively agreed to participate in a shared commercial off-street parking lot. Future City Council action will be required to accept a donation of

March 18, 2009

a portion of four properties to accommodate the proposed improvements. The City will progress with design services for the project to accommodate the proposed district as the project moves forward.

Bergmann Associates, P.C. is being recommended for design of the Neighborhood Commercial Parking Lot District in the Mt. Hope Village District because of its qualifications and familiarity with the project. The cost of the design services will be financed from 2008-09 Cash Capital (\$30,000) and the 2008-09 Budget of the Department of Economic Development (\$50,000).

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-70
(Int. No. 91)

Establishing Maximum Compensation For Professional Services
Agreements For Mt. Hope Avenue And East Henrietta Road
Improvements And Amending Ordinance No. 2005-83

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$1,024,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates, P.C. for final design engineering services for the Mt. Hope Avenue Phase I and East Henrietta Road Improvement Projects. Of said amount, \$188,124 shall be funded from the anticipated reimbursements from the Federal Highway Administration appropriated in Ordinance No. 2004-399, \$446,276 shall be funded from the appropriation made in Section 2, \$118,950 shall be funded from the appropriation made in Section 3 and \$270,650 shall be funded from the 2008-09 Cash Capital allocation.

Section 2. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$597,000, or so much thereof as may be necessary, to fund the Mt. Hope Avenue Phase I Improvement Project.

Section 3. There is hereby appropriated from anticipated reimbursements from the State of New York the sum of \$340,000, or so much thereof as may be necessary, to fund the Mt. Hope Avenue and East Henrietta Road Public Improvement Project.

Section 4. The sum of \$80,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Bergmann Associates, P.C. for engineering design services for the Neighborhood Commercial Parking Lot District in the Mt. Hope Village District. The agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Of said amount, \$30,000 shall be funded from the 2008-09 Cash Capital allocation and \$50,000 shall be funded from the 2008-09 Budget of the Economic Development Department.

Section 5. Ordinance No. 2005-83, relating to an agreement for the Mt. Hope Avenue and East Henrietta Road Public Improvement Project, is hereby amended by reducing the amount funded from the 2001-02 Cash Capital allocation by the sum of \$60,000, which amount shall now be funded from the appropriation made in Section 3.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL`
Ladies and Gentlemen:

March 18, 2009

Ordinance No. 2009-71
Re: Agreement - Monroe County,
Fleet/Equipment Services

Transmitted herewith for your approval is legislation authorizing an inter-municipal agreement with Monroe County for the provision of shared fleet maintenance services, equipment, and the purchase of alternative fuels.

This agreement will allow the City to utilize the surplus equipment and operator capacity of the County or other municipalities within the County, and to make similar City surplus capacity available to these same entities at mutually agreed upon rates. The County participates in current shared equipment agreements with various municipalities as a revenue-generating opportunity.

The agreement will also allow the City to purchase alternative fuels at County facilities, expanding City access to green fuels, currently available only at the Mt. Read complex. The agreement also provides for the ability to utilize County Fleet Maintenance services; however, the City anticipates very limited or no use of this aspect of the agreement, since the County does not have the resource capacity to service the bulk of the City's fleet.

The term of the proposed agreement is 25 years, with written confirmation of continued participation to be provided by the City and County Departments of Environmental Services on an annual basis.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-71
(Int. No. 93)

Authorizing An Agreement With The County Of Monroe For Shared
Fleet And Equipment Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the County of Monroe for the provision of shared fleet maintenance services and equipment and the purchase of alternative fuels. The agreement shall extend for a term of 25 years, with either party having the option to terminate on an annual basis. The agreement shall allow the City to utilize surplus equipment and operator capacity of the County or other municipalities within the County and to make similar City surplus capacity available to these entities at mutually agreed upon rates. The agreement shall also allow the City to purchase alternative fuels at County facilities and utilize County fleet maintenance services at mutually agreed upon rates. The cost of this agreement shall be funded from the annual budgets.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-72
Re: High Falls Garage Concrete

March 18, 2009

Repair Project

Transmitted herewith for your approval is legislation authorizing the issuance of bonds totaling \$380,000, and appropriation of the proceeds thereof to finance the construction costs for the High Falls Garage Concrete Repair Project.

The project will incorporate concrete repairs on all garage decks and some railing supports; detailed cleaning and application of new paint on structural steel, metal railings and hand rails; installation of aluminum treads and nosings; and elevator sill repairs and elevator emergency phone installation. It is anticipated that this work will provide for an improved visual aesthetic while also preventing metal/concrete corrosion and extending the garage's serviceable life.

Design of the improvements was completed by CMA Architecture, P.C. and City staff. Bids for construction of the project were received on February 25, 2009. The work will be performed by Charles T. Driscoll Masonry Restoration Company, Inc. at a cost of \$359,842, plus \$20,158 (5%) allocated for contingencies, financed from the proposed bond issue. An additional 5% contingency (\$20,000) will be financed by the 2007-08 Municipal Parking Cash Capital allocation.

It is anticipated that construction will commence June 2009, with anticipated completion in September 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-72
(Int. No. 96)

Bond Ordinance Of The City Of Rochester, New York, Authorizing
The Issuance Of \$380,000 Bonds Of Said City To Finance The Cost
Of The Construction Of Improvements To The High Falls Parking
Garage In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the costs of the construction of improvements to the High Falls Parking Garage in the City, including but not limited to concrete repairs on decks and railing supports, cleaning and painting of structural steel, metal railings and hand rails, installation of aluminum treads and nosing, and elevator improvements (the "Project"). The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$400,000. The plan of financing includes the issuance of \$380,000 bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$20,000 in current City funds, and the levy and collection of an ad valorem tax on all the taxable real property in the City without limitation as to rate or amount, sufficient to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$380,000 are hereby authorized to be issued pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$380,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

March 18, 2009

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of Section 11.00a.12 of the Law, is twenty (20) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-73 and
Ordinance No. 2009-74
Re: American Recovery and Reinvestment
Act - Transportation Programs

Transmitted herewith for your approval is legislation related to the American Recovery and Reinvestment Act, signed into law by President Obama on February 17, 2009. This \$787.2 billion measure is the largest single infusion of spending into the economy in American history. In an effort to stimulate economic

March 18, 2009

growth and create jobs, the measure contains funding for more than 75 federal programs, many of which will benefit local governments.

The City is working with our Congressional delegation and with Governor Paterson's office to ensure that the direct aid to states is deployed to capital improvement programs in the Rochester area that provide the most economic benefit to the region. The stimulus package has the potential to positively impact all aspects of City operations and services, through several resource opportunities:

- Increases in current Federal formula programs such as the HUD Community Development Block Grant (CDBG);
- New Federal formula programs such as the Department of Energy's Energy Efficiency and Conservation Block Grant (EECBG);
- Increases in existing competitive funding awards through various Federal Departments, such as the Department of Justice's Community Oriented Policing Services (COPS) program; and
- New competitive funding awards such as the Department of Homeland Security/Federal Emergency Management Agency's Assistance to Firefighters-Fire Station Construction program.

City departments are collaborating to maximize Rochester's ability to receive funds that create or retain jobs, improve our infrastructure, and support our community.

The first legislative component for your immediate review is necessitated by the stringent guidelines by which the Federal funds must be deployed. The Federal Stimulus package has allocated \$27.5 billion nationally for transportation funding; these funds will be distributed to the states, and subsequently dispersed by regional Metropolitan Planning Organizations (locally, the Genesee Transportation Council) for the use of local governments.

Federal highway and bridge funds will be dispersed to states by March 10, 2009. The New York State Department of Transportation must obligate 50% of these funds within 120 days; the remainder must be obligated within one year.

Projects were selected for funding through a competitive process based on their ability to begin construction this season as well as their cost effectiveness and regional significance. Qualified projects are classified as either Tier I - to be funded immediately; or Tier II - may be funded if/when funds become available (either from funds unused by other local governments, or from additional Federal disbursements).

The legislative actions currently required will:

1. Authorize the City's participation in the Federal program and any Federal and State agreements necessary to implement the program;
2. Appropriate a total of \$12,293,685 in anticipated Federal reimbursements to finance construction of Tier I and Tier II projects approved for funding under the Act;
3. Authorize the issuance of bonds totaling \$600,000 and appropriate the proceeds thereof to partially finance the cost of the streetscape improvements as part of the La Avenida Streetscape Improvements Project; and
4. Authorize amendatory agreements for design services for projects financed under the Act with:

March 18, 2009

- a. FRA Engineering, for an additional \$50,000 for engineering design services for the South Clinton Avenue/Mt. Hope Avenue Enhancement Project, originally authorized by Ordinance 2007-389 for \$118,000;
- b. Bergmann Associates PC, for an additional \$100,000 for engineering design services for the La Avenida Streetscape Improvement Project, originally authorized by Ordinance 2005-346 for \$90,000; and,
- c. LaBella Associates, P.C. (Bridge and Structural Services Agreement) for an additional \$150,000 for engineering design services for the 2009 Annual Bridge Maintenance Program, originally authorized by Ordinance 2007-113 for \$86,300.

These additional costs will be financed from the 2007-08 (\$285,000) and 2008-09 (\$15,000) DES Cash Capital allocations.

The following projects were submitted to the Genesee Transportation Council and qualified for aid:

<u>Project</u>	<u>Design City</u>	<u>Federal</u>	<u>Construction State</u>	<u>City</u>	<u>Total</u>	<u>Design</u>
<u>Tier 1 Allocations</u>						
2009 Milling and Resurfacing/Micropaving	\$ 0	\$2,641,000	\$ 0	\$ 0	\$2,641,000	In-house
2009 Hazardous Sidewalk Replacement	0	300,000	0	0	300,000	In-house
S. Clinton/Mt. Hope Enhancements	50,000	1,250,000	300,000	20,000	1,620,000	FRA
La Avenida Streetscape Improvements	100,000	1,100,000	0	600,000	1,800,000	Bergmann
East Henrietta Road Reconstruction	0	1,820,000	0	0	1,820,000	Bergmann
2009 Bridge Maintenance Program	<u>150,000</u>	<u>2,001,242</u>	<u>0</u>	<u>0</u>	<u>2,151,242</u>	LaBella
Sub-total, Tier 1	\$300,000	\$9,112,242	\$300,000	\$620,000	\$10,332,242	
<u>Tier 2 Allocations</u>						
2009 Milling and Resurfacing/Micropaving	\$ 0	\$1,101,000	\$ 0	\$ 0	\$1,101,000	In-house
2009 Bridge Maintenance Program	0	80,443	0	0	80,443	In-house
Genesee Riverway Trail Rehabilitation	<u>0</u>	<u>2,000,000</u>	<u>0</u>	<u>0</u>	<u>2,000,000</u>	In-house
Sub-total, Tier 2	<u>\$ 0</u>	<u>\$3,181,443</u>	<u>0</u>	<u>0</u>	<u>\$ 3,181,443</u>	
Total	\$300,000	\$12,293,685	\$300,000	\$620,000	\$13,513,685	

March 18, 2009

The federal funding for these projects will generate an estimated 77 construction jobs locally, along with over 305 induced secondary jobs. No local match for the Federal Aid for construction costs is required.

The Federal funding is contingent on the City and regional municipalities' ability to meet aggressive construction timelines. The Federal funds are allocated in two tiers. \$9,112,242 of the above funds is allocated for Tier 1 projects. These funds are available if the City meets the aggressive project readiness timelines. The allocation for the Tier 1 East Henrietta Road project, originally scheduled for \$2,000,000, has been reduced by \$180,000 because design and right-of-way costs have recently been determined to be ineligible for funding under the Federal Stimulus program.

\$3,181,443 is allocated to Tier 2 projects; it will be available only if other communities default on timeline requirements, or if additional funds are allocated to the region. This includes \$1,181,443 funding for the 2009 Milling & Resurfacing/Micropave and Bridge Maintenance projects, and the full \$2,000,00 funding for the Genesee Riverway Trail project.

All but two of the above projects will be wholly financed through the Federal funds. The South Clinton/Mount Hope Project construction cost, including Federal funds, is estimated at \$1,570,000; \$300,000 will be financed from New York State Multi-Modal Program funds appropriated by Ordinance 2007-389, and \$20,000 will be financed from 2007-08 Cash Capital. And, the La Avenida Streetscape Project construction cost, including Federal funds, is estimated at \$1,700,000; the City share of \$600,000, will be financed from the bond proceeds.

Following final project funding approvals and announcements of second-round transportation stimulus projects, the administration may submit legislation to City Council that would reconcile approved project funding with the allocations outlined above. The City will continue to submit legislation related to competitive and formula funding generated by the American Recovery and Reinvestment Act in the coming months.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-23

Ordinance No. 2009-73
(Int. No. 97, As Amended)

Approving Economic Recovery Projects

WHEREAS, the following Economic Recovery Project(s):

2009 Milling & Resurfacing/Micropave Program including
Thurston Road (Brooks Ave. to Chili Ave.) Preventive Maintenance (4LS015),
East Avenue (Broadway to Alexander St.) Preventive Maintenance (4LS018),
Park Avenue (Berkeley St. to East Ave.) Preventive Maintenance (4LS019),
University Avenue (Culver Rd. to Blossom Rd.) Preventive Maintenance (4LS020),
East Avenue (Goodman St. to Culver Rd.) Preventive Maintenance (4LS021),
Byron Street (South Ave. to S. Clinton Ave.) Rehabilitation (4LS022),
Dewey Avenue (Lyell Ave. to Felix St.) Rehabilitation (4LS023),
East Avenue (Alexander St. to Goodman St.) Rehabilitation (4LS024),
Mount Hope Avenue (Elmwood Ave. to South Ave.) Rehabilitation (4LS025),
Atlantic Avenue (University Ave. to CSX RR) Rehabilitation, and
Highland Avenue (Mt. Hope Ave. to Monroe Ave.) Rehabilitation;

2009 Hazardous Sidewalk Replacement Program (Federal Aid Routes) (4LS026);

South Clinton/Mount Hope Avenue Enhancements (4LS028);

March 18, 2009

La Avenida Streetscape (N. Clinton Ave. between Upper Falls Blvd. & Avenue D) Improvements (4LS027);

East Henrietta Road (Mount Hope Avenue to South Avenue) Reconstruction (4LS016);

2009 Bridge Maintenance Program including

Driving Park Bridge Preventive Maintenance (2009) [BIN 2211310] (4LS008),

East Main Street Bridge over CSX RR Preventive Maintenance (2009) [BIN 2211350] (4LS009),

Main Street Bridge over Genesee River Preventive Maintenance (2009) [BIN 2211270] (4LS010),

Court Street Bridge over Genesee River Preventive Maintenance (2009) [BIN 2211250] (4LS011),

Elmwood Avenue Bridge over Genesee River Preventive Maintenance (2009) [BIN 4025890]

(4LS012),

Lake Avenue Bridge over CSX RR (at Boxart) Preventive Maintenance (2009) [BIN 2211370]

(4LS013),

Andrews Street Bridge over Genesee River Preventive Maintenance (2009) [BIN 2211280]

(4LS014),

Ford Street Bridge over Genesee River Preventive Maintenance (2009) [BIN 4443800] (4LS017),

and

Lake Avenue Bridge over CSX RR (at Holden) Preventive Maintenance (2009) [BIN 2211360]; and,

Genesee Riverway Multi-Use Trail (Ford Street to the Erie Canal) Rehabilitation,

(hereinafter “the Projects”) in the City of Rochester, in Monroe County, (hereinafter “the City”) are eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of Federal funds and non-federal funds.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Council hereby approves the above Projects.

Section 2. The City agrees to advance the Projects through the City’s resources and the City Council hereby authorizes the City to pay in the first instance the full federal costs and full non-federal costs of any and all phase(s) or portions thereof pursuant to this ordinance, the funds necessary to complete the Project(s) including all phase(s) or portions thereof.

Section 3. The City Council makes a 100% commitment of the non-federal share (if any) of the costs of phase(s) of work for the Project(s) or portions thereof, with the federal share of such costs to be applied directly by the New York State Department of Transportation (hereinafter “NYSDOT”) pursuant to the State/Local Agreement.

Section 4. Upon completion of construction of the Projects, or a fully usable portion thereof, the City agrees to maintain the Project(s), or fully usable portion thereof, at its sole cost and expense.

Section 5. In the event the full federal and non-federal share of the Projects exceeds the amount appropriated above, the City Council shall convene as soon as possible to appropriate said excess amount immediately.

Section 6. The Mayor is hereby authorized to execute all necessary Agreements or certifications on behalf of the City, (subject to the Corporation Counsel’s approval as to form and content), with NYSDOT in connection with the advancement or approval of the Projects identified in the State/Local Agreement; and providing for the administration of the Projects and the City’s first instance funding of the non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible.

March 18, 2009

Section 7. A certified copy of this ordinance shall be filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary Agreement in connection with the Project(s).

Section 8. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and FRA Engineering, P.C. for engineering design services for the South Clinton Avenue Enhancement Project (South Goodman Street to Byron Street) and the Mt. Hope Avenue Enhancement Project (Gregory Street to Byron Street).

Section 9. The sum of \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates, P.C. for engineering design services for the La Avenida Streetscape Improvement Project.

Section 10. The sum of \$150,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and LaBella Associates, P.C. for engineering design services for the 2009 Annual Bridge Maintenance Program.

Section 11. Of said amounts, or so much thereof as may be necessary, \$[15,000] 200,000 shall be funded from the 2008-09 Cash Capital allocation and [\$285,000 shall be funded from the 2007-08 Cash Capital Allocation] \$100,000 shall be funded from a bond ordinance adopted for the La Avenida Streetscape Improvement Project.

Section 12. There is hereby appropriated from anticipated reimbursements from the Federal Government the sum of \$12,293,685, or so much as may be received and necessary, to fund the construction of projects under the American Recovery and Reinvestment Act.

Section 13. This ordinance shall take effect immediately.

Bracketed material deleted; underlined material added.

Passed unanimously.

Ordinance No. 2009-74
(Int. No. 98, As Amended)

Bond Ordinance Of The City Of Rochester, New York, Authorizing
The Issuance Of \$[600,000] 700,000 Principal Amount Of Bonds Of
Said City To Finance The Cost Of The Construction Of Certain
Street Related Improvements For The La Avenida Streetscape
Improvements Project In The City

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the cost of the construction of sidewalk enhancements, tree lawn, gateway, decorative street lighting and other streetscape enhancements relating to the La Avenida Streetscape Improvements Project along North Clinton Avenue in the City (the "Project"). The total estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$[1,700,000] 1,800,000. The plan of financing includes the issuance of \$[600,000] 700,000 principal amount of bonds of the City, and said amount is hereby appropriated therefor, together with the application of \$1,100,000 appropriated from anticipated reimbursements from the Federal Government, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

March 18, 2009

Section 2. Bonds of the City in the principal amount of \$[600,000] 700,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in an amount not to exceed the estimated maximum cost. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of said specific object or purpose for which said bonds authorized pursuant to this Ordinance are to be issued, within the limitations of 11.00 a. 24 of the Law, is ten (10) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record", a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Bracketed material deleted; underlined material added.

Passed unanimously.

March 18, 2009

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-75
Re: Agreement - Stantec Consulting
Services Inc., South Avenue Garage
Improvement Project

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Stantec Consulting Services, Inc. for additional construction phase design and resident project representation (RPR) services required for the South Avenue Garage Improvement Project. This amendment will increase maximum compensation by \$500,000, and extend the term of the agreement through November 2009. The additional cost will be financed from bonds previously authorized for the project (Ordinance No. 2006-210).

The original agreement with Stantec for RPR services was authorized by City Council in August 2005 for \$690,000 and was amended in July 2007 (Ord. 2007-282) for an additional \$780,000. Approval of this second amendatory agreement will establish total maximum compensation to Stantec for this project to \$1,970,000.

The South Avenue Garage Improvement Project, with construction costs of \$4,944,301, began in October 2005 and was originally scheduled for completion in October 2007. Following the April 2006 collapse of the garage's helix ramp, WJE Engineers & Architects was retained to determine the cause of the collapse and to identify which deficiencies needed to be addressed immediately, and which could be deferred. While the collapse was unrelated to the garage construction, the required emergency work delayed project construction work for six months.

The resulting comprehensive reevaluation of the original project scope led to significant increases in the amount of contract work to be done within the garage. Additional evaluations were conducted by FRA Engineering, PC during this time. The added work increased estimated construction costs to \$19,500,000, and delayed project completion to an estimated date of November 2009.

A summary of Council actions related to this project is attached, which includes the July 2007 amendatory agreement with Stantec to provide construction phase design and RPR services based on an estimated construction completion of November 2008. This service did not include FRA Engineering's agreement for RPR services during construction of their portion of project design. In order to maintain RPR service continuity with the project, it is recommended that Stantec provide continuous RPR services - including FRA Engineering-designed construction work. The unused RPR service from the FRA Engineering agreement will be applied to project construction costs.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-24

Ordinance No. 2009-75
(Int. No. 99)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For The South Avenue Garage
Improvement Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

March 18, 2009

Section 1. The sum of \$500,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Stantec Consulting Services, Inc. for construction phase design and resident project representation services for the South Avenue Garage Improvement Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Said amount shall be funded from Bond Ordinance No. 2006-210.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-76

Re: Amendments - Apprenticeship

Transmitted herewith for your approval are amendments to Int. 8 in regard to both the Apprenticeship program and also the City's Incentive program. The amendments have been developed in response to public input that was received at a hearing held by the Parks and Public Works Committee on February 11 and additional comments presented to City Council on February 17.

The amendments will make the following changes:

- Regarding the Apprenticeship program, we recommend that the Administration develop a program to assist contractors with the required applications to New York State for certification of their training programs. The Committee heard testimony from contractors who were frustrated by their attempts to understand the requirements of the Department of Labor and the required materials for program certification. City staff should be able to assist such businesses in negotiating the State bureaucracy in such cases.
- Regarding the Incentive program, which was developed as a companion to the Apprenticeship program in 2003, the program currently requires that a minimum of 25% of the workforce on an eligible project be composed of workers from eligible City zip codes in order for any incentive payments to be made. Discussions among various contractors and Administration officials have determined that this threshold is unrealistically high and is the principal reason for the lack of use of this program. In an effort to encourage more usage of the program, and therefore more jobs for disadvantaged City residents, the proposed amendment will reduce that minimum participation to 17%.

We believe that these amendments strike an appropriate balance between incentives and regulations and that together they will offer an improved likelihood that City residents will be better trained and better able to compete for employment opportunities on City public works projects.

Respectfully submitted,
John F. Lightfoot, Chair
Parks & Public Works Committee

Ordinance No. 2009-76
(Int. No. 8, As Amended)

Amending Ordinance No. 2003-347, Relating To The Apprenticeship
Program And Ordinance No. 2003-346

BE IT ORDAINED, by the Council of the City of Rochester as follows:

March 18, 2009

Section 1. Ordinance No. 2003-347, relating to the Apprenticeship Program, is hereby amended by amending Sections 2, 3, and 4 thereof to read in their entirety as follows:

Section 2. For the purposes of this ordinance, a "construction contract" shall mean any City public works contract for an amount in excess of \$250,000, or any subcontract thereto in excess of \$100,000, for construction, reconstruction or improvement of any building, facility or physical structure of any kind.

Section 3. The term "contractor" shall mean a contractor or a subcontractor which directly employs labor under a construction contract.

Section 4. The City of Rochester hereby requires any contractor, prior to entering into a construction contract with the City of Rochester or with another contractor, to have apprenticeship agreements, appropriate for the type and scope of work to be performed, which have been registered with and approved by the New York State Commissioner of Labor in accordance with Article 23 of the New York State Labor Law. The City shall provide assistance to contractors to its greatest extent possible in obtaining State approval of apprenticeship programs.

Section 2. Ordinance No. 2003-346, relating to the Incentive Program, is hereby amended by amending Section 6 by changing the percentage of the total gross payroll for the project paid to disadvantaged City residents which is necessary to qualify for the incentive from more than 25% to more than 17%.

Section 3. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2009-77

Re: Official Map Amendment -
Falls Street

Transmitted herewith for your approval is legislation amending the Official Map by authorizing the abandonment of a portion of Falls Street extending between 100 Falls Street and 100 Mill Street, approximately 0.01 acres. The abandonment has been referred to the necessary agencies for comment.

Rochester Gas & Electric Corporation will construct a new electric substation on a parcel of land at 100 Falls Street and 100 Mill Street. The new substation will replace the existing 14-acre BeeBee Station currently located along Mill Street and Falls Street adjacent to the Genesee River. The abandoned parcel will facilitate the new substation development. There are no utilities on the site. There is no record with the City of any fee title to this portion of land; the right-of-way will revert ownership to RG&E upon abandonment.

The City Planning Commission, in its September 10, 2008 meeting recommended approval of this abandonment by a vote of 6-0-0. Minutes of that meeting are attached.

Pursuant to the requirements of Article 8 of the New York State Environmental Conservation Law and Chapter 48 of the City Code, the proposal is a Type II Action requiring no further environmental review.

A public hearing is required.

Respectfully submitted,
Robert J. Duffy

March 18, 2009

Mayor

Attachment No. AI-25

Ordinance No. 2009-77
(Int. No. 78)

Amending The Official Map By Abandonment Of A Portion Of Falls
Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Chapter 76 of the Municipal Code, Official Map or Plan, as amended, is hereby further amended by changing and deleting therefrom the following described property, heretofore dedicated to street purposes and constituting a portion of Falls Street:

All that tract or parcel of land situate in the City of Rochester, County of Monroe, State of New York being part of Town Lot Number 48, Township 1 of the 20,000 Acre Tract, and being further described as follows:

Commencing at an angle point in the northeasterly right of way of Falls Street, the same being at an angle point in the southwesterly property line of Rochester Gas & Electric Corporation:

Thence 1. Continuing in a southeasterly direction along the existing northeasterly right of way of Falls Street, the same being along the existing property line of Rochester Gas and Electric Corporation, on a bearing of S-45°-45'-30"-E, a distance of 40.50 feet to an angle point in the northeasterly right of way of Falls Street, being also an angle point in the property line of Rochester Gas and Electric Corporation,

Thence 2. Continuing in a southwesterly direction along the existing northeasterly right of way of Falls Street, the same being the existing property line of Rochester Gas and Electric Corporation, on a bearing of S-42°-40'-25"-W, a distance of 16.50 feet to an angle point in the northeasterly right of way of Falls Street, being also an angle point in the property line of Rochester Gas and Electric Corporation,

Thence 3. Continuing in a northwesterly direction into the existing right of way of Falls Street, on a bearing of N-54°-12'-20"-W, a distance of 9.55 feet to a point,

Thence 4. Continuing in a northwesterly direction through the existing right of way of Falls Street, on a bearing of N-16°-10'-15"-W, a distance of 36.24 feet to a point, said point being the point and place of beginning for the premises herein described, and containing 0.010± Acres.

All as shown on a map prepared by Stephen M. Bly, P.L.S., dated July 16, 2008.

Subject to all covenants, easements and restrictions of record, if any, affecting said premises.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller

March 18, 2009

March 18, 2009

To the Council:

The Economic Development & The Environment Committee recommends for Adoption the following entitled legislation:

Int. No. 79 - Resolution Approving Appointment And Reappointments To The Downtown Enhancement District Advisory Committee

Int. No. 80 - Establishing Maximum Compensation For A Professional Services Agreement For A New High Falls Laser Show

Int. No. 81 - Establishing Maximum Compensation For A Professional Services Agreement For A Film Festival Celebrating The Work Of Women

Int. No. 90 - Establishing Maximum Compensation For A Professional Services Agreement For Environmental Remediation Of The Former Phototech Imaging Site At 1000 Driving Park Avenue

Int. No. 23 - Approving The Sale Of Former Railroad Right Of Way East Of 476 State Street

The Economic Development & The Environment Committee recommends for Consideration the following entitled legislation:

Int. No. 82 - Continuation Of Local Improvement Ordinance No. 1291 Relating To The Main Street Enhancement District

Respectfully submitted,

Dana K. Miller

John F. Lightfoot

Elaine M. Spaul

William F. Pritchard

ECONOMIC DEVELOPMENT & THE ENVIRONMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Resolution No. 2009-6

Re: Appointments - Downtown
Enhancement District Advisory Committee

Transmitted herewith for your approval is legislation related to the Downtown Enhancement District Advisory Committee. This legislation will:

1. Confirm the reappointment of the following five members:

Name

Affiliation

Chris Hill
28 East Main Street, 14614

I. Gordon Corporation

Lawrence Davies
One Chase Square, 14604

JP Morgan Chase Bank

March 18, 2009

James Costanza
Temple Building
14 Franklin Street, Ste 1122, 14604

Costanza Enterprises

Eileen Broderick
183 East Main Street, 14604

Conifer Realty

Wes Plant
50 Broad Street East, 14604

Thompson Legal Regulatory

The new terms for these members will extend to December 31, 2010.

2. Confirm the appointment of Richard Calabrese, Times Square Building, 45 Exchange Blvd, 14614. Mr. Calabrese will replace Christine Pullano, who has resigned. His term will expire on December 31, 2010. A copy of his resume is on file with the City Clerk.

The committee was established by local improvement assessment legislation approved by City Council in May 1989. The responsibilities of the committee are to monitor the performance of district services; review the annual budget for the district prepared by the Mayor; and make a recommendation to the City Council with respect to that budget.

The committee consists of eleven individuals representing property owners and tenants within the district. Membership is intended to equitably represent large and small properties, owners and tenants, and Zone 1 (located on Main Street) and Zone 2 (direct access to Main Street via covered walkways) properties.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2009-6
(Int. No. 79)

Resolution Approving Appointment And Reappointments To The
Downtown Enhancement District Advisory Committee

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of the following person to the Downtown Enhancement District Advisory Committee:

<u>Name</u>	<u>Affiliation</u>	<u>Expiration</u>
Richard Calabrese	Times Square Building	12/31/10

Mr. Calabrese shall replace Christine Pullano.

Section 2. The Council hereby approves the reappointment of the following persons to the Downtown Enhancement District Advisory Committee:

<u>Name</u>	<u>Affiliation</u>	<u>Expiration</u>
Chris Hill	I. Gordon Corporation	12/31/10
Lawrence Davies	JP Morgan Chase Bank	12/31/10
James Costanza	Costanza Enterprises	12/31/10
Eileen Broderick	Conifer Realty	12/31/10
Wes Plant	Thompson Legal Regulatory	12/31/10

March 18, 2009

Section 3. This resolution shall take effect immediately.

Adopted unanimously.

THE COUNCIL:

Ladies and Gentlemen:

Ordinance No. 2009-78

Re: Agreement - Greg J. Winter, d/b/a
Wintek, Laser Show Production

Transmitted herewith for your approval is legislation establishing \$60,000 as maximum compensation for an agreement with Greg J. Winter, d/b/a Wintek, Rochester, for the production of a new laser, light and sound show at High Falls. The cost of this agreement will be financed from the 2006-07 (\$7,100), 2007-08 (\$45,000), and 2008-09 (\$7,900) High Falls Cash Capital allocations.

Wintek will produce a completely new twenty-minute laser show. The current "River of Light" show has been used since 1996 with occasional module updates. These modules were rented from the laser show producers, then Stone Mountain Productions, currently Carolina-Carolina Contract Services. The content of the new show will feature the rich 175-year history of the City of Rochester and highlight local historical figures such as Susan B. Anthony and Frederick Douglass.

The new show will be a mix of abstract imagery with animation in a module format so that future updates can be made easily. The City will own the modules, which will significantly reduce the annual cost of presenting the popular laser shows.

Since 1994, Greg J. Winter has been the Director of Rochester Operations for Stone Mountain Productions (no longer in business), headquartered in Stone Mountain, GA. He currently specializes in high-power laser systems and designs, creates custom laser programming and automated lighting, and produces show sound tracks on a digital audio workstation.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-78
(Int. No. 80)

Establishing Maximum Compensation For A Professional Services
Agreement For A New High Falls Laser Show

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$60,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Greg J. Winter, d/b/a Wintek, for production of a new laser, light and sound show for High Falls. Of said amount, \$7,100 shall be funded from the 2006-07 Cash Capital allocation, \$45,000 shall be funded from the 2007-08 Cash Capital allocation, and \$7,900 shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

March 18, 2009

Ladies and Gentlemen:

Ordinance No. 2009-79
Re: Agreement - Picture Fest,
International

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an agreement with Picture Fest, International, Inc., d/b/a Rochester High Falls International Film Festival, for a six-day film festival. The festival will be held May 13-18, 2009, and will showcase and celebrate the exceptional work of women in all areas of film and video throughout the world. The cost of this agreement will be financed from the 2008-09 Budget of the Bureau of Communications.

The festival will include over eighty films including full-length, shorts, and documentaries. Last year, over 7,000 film enthusiasts attended the festival from throughout the country. In addition to showcasing established independent filmmakers' works, a critical aspect of the festival is to encourage emerging works. Other specialty areas are Children's Programming, Foreign Language Films and Digital Technology. Catherine Wyler, daughter of director William Wyler, is the Artistic Director. The Honorary Board of Directors includes Anjelica Huston, Ruby Dee, Taye Diggs, Robert Forster, Rachel Portman, Leslie Stahl, and the Honorable Louise Slaughter, among others.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-79
(Int. No. 81)

Establishing Maximum Compensation For A Professional Services
Agreement For A Film Festival Celebrating The Work Of Women

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$20,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Picture Fest, International, d/b/a Rochester High Falls International Film Festival for the 2009 Rochester High Falls International Film Festival, showcasing and celebrating the exceptional work of women in film and video. Said amount shall be funded from the 2008-09 Budget of the Bureau of Communications.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-80
Re: Agreement - LaBella Associates,
P.C., Environmental Cleanup of
1000 Driving Park Avenue

Transmitted herewith for your approval is legislation related to the environmental cleanup of the former Phototech Imaging brownfield site located at 1000 Driving Park Avenue. This legislation will:

1. Establish maximum compensation of \$5,110,641 for an agreement with LaBella Associates, P.C., for completion of environmental remediation services at the Site; and

March 18, 2009

2. Appropriate 1996 New York State Clean Water/Clean Air Bond Act Title V grant funds in the amount of \$3,396,567 to finance a portion of the costs thereof.

The balance of the cost of the agreement, \$1,714,074, will be financed from Bond Ordinance No. 2006-151 adopted by City Council on June 24, 2006.

The former Phototech Site consists of one parcel, totaling approximately 12.5 acres. The property includes 17 buildings that total more than 100,000 square feet, most of which are in a dilapidated condition. The site was developed around 1948-1950 for the manufacture of photographic film, and was used as such until 1991, when the site was abandoned.

The property was acquired by the City through tax foreclosure in 1997, at which time the City engaged an environmental consultant for site investigation and a remedial alternatives (SI/RA) evaluation. The associated costs were reimbursed by the New York State Department of Environmental Conservation (NYSDEC). The final SI/RA report recommended demolition of all structures and a subsurface cleanup plan, which was accepted by the NYSDEC, which subsequently stipulated the following remedial measures:

- Asbestos abatement, building decontamination and waste disposal;
- Building and utility demolition, on-site crushing of non-contaminated masonry demolition materials,
- Post-demolition design-phase subsurface investigation;
- Removal and off-site disposal of approximately 14,000 tons of contaminated soil;
- Removal and disposal of hazardous and non-hazardous regulated solid waste associated with the former silver recovery waste water system; and
- Preparation of long-term monitoring, site management plan, institutional and engineering control plans.

The proposed agreement will fund these remedial activities and includes a contingency of \$1,183,973 for unanticipated cleanup requirements. The City received a \$3,396,567 cleanup grant through the NYSDEC's 1996 Bond Act Title 5 Environmental Restoration Program (ERP), which will reimburse the City for 50% of asbestos abatement and building demolition, and 90% for all other environmental remedial design and cleanup costs. In addition to reimbursement of eligible project costs, the ERP will provide environmental indemnification from the State of New York to the City and all future land owners at the site.

In September 2008, a Request for Proposal for cleanup of the Phototech Site was issued to nine pre-qualified environmental consulting firms. Four firms responded: Conestoga-Rovers & Associates, O'Brien & Gere, LaBella Associates, and Lu Engineers. Proposals were reviewed by a team consisting of the Division of Environmental Quality and Department of Community Development staff. LaBella is recommended for this project based on the quality and scope of its proposal, the firm's experience and expertise with completing similar brownfield cleanup projects, the proposed project team, and reasonableness of its proposed fee.

The remedial design and initial interim remedial measures are expected to be initiated in Summer 2009. The clean-up phase is expected to be completed in two years. This agreement will have an initial term of two years with a provision for a one-year renewal.

The Departments of Economic Development and Environmental Services are coordinating reuse plans for the site. A redevelopment site plan is under preparation which will subdivide the site into a new industrial park containing three parcels that will be serviced via a new dedicated City Street.

Respectfully submitted,

March 18, 2009

Robert J. Duffy
Mayor

Attachment No. AI-26

Ordinance No. 2009-80
(Int. No. 90)

Establishing Maximum Compensation For A Professional Services
Agreement For Environmental Remediation Of The Former Photech
Imaging Site At 1000 Driving Park Avenue

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$5,110,641, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and LaBella Associates, P.C. for environmental remediation of the former Photech Imaging Brownfield Site at 1000 Driving Park Avenue. The agreement shall extend for a term of two years, with an option to renew for an additional year. Unit prices may be adjusted during the renewal term with the approval of the City's designated agent. Of said amount, \$3,396,567 is hereby appropriated from 1996 Clean Water/Clean Air Bond Act Grant Funds and \$1,714,074 shall be funded from Bond Ordinance No. 2006-151.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. _____ was introduced _____ and appears in its original form with its transmittal letter on page _____ of the current Council Proceedings.

Attachment No. AI-27

Ordinance No. 2009-81
(Int. No. 23)

Approving The Sale Of Former Railroad Right Of Way East Of 476
State Street

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the sale of a portion of a City-owned parcel of former railroad right of way east of 476 State Street, comprising approximately 1.2 acres, to Phoenix Graphics, Inc. for the sum of \$103,038.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Local Improvement Ordinance No. 1597
Local Improvement Ordinance -
Downtown Enhancement District

March 18, 2009

Transmitted herewith for your approval is legislation authorizing the continuation of the Downtown Enhancement District.

The District was originally authorized by City Council on May 16, 1989, with reauthorizations on May 10, 1994, May 14, 1999, and April 23, 2004. The District is designed to provide an enhanced level of care and maintenance in the downtown area.

In general, the District includes all properties within the area between Church Street, Bragdon Place and Pleasant Street on the north, Chestnut Street on the east, Broad Street on the south, and Plymouth Avenue on the west, as well as all other properties within 1,600 feet of Main Street that are included in the enclosed walkway system.

The District is administered by the Department of Environmental Services (DES), with oversight from an advisory committee of eleven representatives of property owners and tenants.

The annual costs of the special services provided within the District are restricted by formula - an amount equal to the base year (1989-1990) cost of \$400,000 adjusted by the cumulative increase in the consumer price index - unless otherwise approved by the advisory committee.

The costs are apportioned among the properties within the District and are calculated using two factors and two zones. The two factors - assessed valuation of the property and gross area - each account for 50% of the apportionment. Properties in Zone 1, directly on Main Street, have their assessments weighted at twice the factors of the properties in Zone 2 - those with direct access to Main Street via the enclosed walkway system. Charges for all parking lots and garages, regardless of location, are calculated as Zone 2 properties.

Under the proposed legislation, the term of the District will be extended for an additional five-year period, commencing on July 1, 2009.

A public hearing on the district renewal is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Local Improvement Ordinance No. 1597
(Int. No. 82)

Continuation Of Local Improvement Ordinance No. 1291 Relating
To The Main Street Enhancement District

WHEREAS, by Local Improvement Ordinance No. 1291, the City provided for the levying of local improvement assessments to fund the cost of special work and services related to the Main Street improvements in the area known as the Main Street Enhancement District; and

WHEREAS, said Local Improvement Ordinance was extended for five years by Local Improvement Ordinances No. 1355, 1444 and 1531, and the Council desires to continue said Local Improvement Ordinance for an additional period of five years.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Local Improvement Ordinance No. 1291, relating to the levying of local improvement assessments to fund the cost of special work and services related to the Main Street improvements in the area known as the Main Street Enhancement District, as extended by Local Improvement Ordinances No. 1355, 1444 and 1531, is hereby re-enacted for an additional period of five years, commencing on July 1, 2009.

March 18, 2009

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember McFadden
March 18, 2009

To the Council:

The Public Safety & Recreation Committee recommends for Adoption the following entitled legislation:

Int. No. 83 - Authorizing A License Agreement For The Use Of Genesee Valley Park Premises

Int. No. 84 - Authorizing Extension Of The Agreement With The University Of Rochester For Use
Of The Genesee Valley Ice Rink

Int. No. 85 - Amending The 2008-09 Budget For An Elite Basketball League

Int. No. 86 - Authorizing An Application And Agreement For The STOP Violence Against Women
Program

Int. No. 87 - Authorizing Agreements And Amending Ordinances No. 2008-34 And 2008-73 For The
Junior Recreation Leader And Biz Kid\$ Programs

Int. No. 88 - Establishing Maximum Compensation For A Professional Services Agreement For The
Rochester Teen Court

Int. No. 89 - Authorizing Agreements For The Adolescent Pregnancy Prevention Services Program

Int. No. 94 - Amending The 2008-09 Budget To Continue Expanded Hours At Recreation Sites

Int. No. 24 - Establishing Maximum Compensation For A Professional Services Agreement For
Psychological Evaluation Services For The Rochester Police Department

The following entitled legislation is being Held in committee:

Int. No. 92 - Establishing Maximum Compensation For A Professional Services Agreement For
Notification Services

Respectfully submitted,
Adam C. McFadden
Dana K. Miller
Elaine M. Spaul
William F. Pritchard
PUBLIC SAFETY & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-82

March 18, 2009

Re: Agreement - Genesee
Waterways Center

Transmitted herewith for your approval is legislation authorizing a license agreement with Genesee Waterways Center Inc. (GWC), a not-for-profit organization, for continued use of a City-owned structure and adjoining parcel of land in Genesee Valley Park as a water sports facility.

GWC's mission is to facilitate public opportunities for recreational and competitive rowing and paddling. In 1989, the City entered into a ten-year agreement with the GWC for them to develop, promote and operate a water sports facility in this location, including a canoe and kayak livery.

GWC has invested over \$80,000 in improvements to the facility over the course of the agreement in addition to its operation of the facility.

The current agreement expires in April 2009. The term of the new license agreement will be for five years with an option to extend for an additional five years. The Genesee Waterways Center, Inc. will pay an annual fee of \$1.00 for the license and will continue to be responsible for all utilities, maintenance and necessary repairs of the property, including docks, ramps, fencing, buildings and structures on the site.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-82
(Int. No. 83)

Authorizing A License Agreement For The Use Of Genesee Valley
Park Premises

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a license agreement with Genesee Waterways Center, Inc. for the use of premises in Genesee Valley Park known as the Genesee Valley West Parks Maintenance Building, the adjacent two-bay boat house, and the adjoining area, for the development, promotion and provision of water sports activities. The agreement shall extend for an initial term of five years, with provision for a five-year renewal term. Genesee Waterways Center, Inc. shall be obligated to pay an annual fee of \$1.00 for said license, and shall assume responsibility for all utilities, maintenance and necessary repairs of the property, including the docks, ramps and fencing around the launch and storage area.

Section 2. The license agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-83
Re: Amendatory Agreement - Genesee
Valley Ice Rink, University of
Rochester

March 18, 2009

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with the University of Rochester for their continued use of the Genesee Valley Ice Rink.

The original agreement, authorized in 1987, included a complicated calculation of shared operating and capital costs in exchange for the University's use for their scholastic hockey programs and recreational skating for members of the University community. That agreement expired in June 2007.

An interim agreement provided terms of use for the period September 2007 through August 2008, while negotiations for the new contract were underway. The new agreement establishes a simple annual fee of \$45,000 to be paid by the University for use of the rink.

This agreement will expire August 31, 2012.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-83
(Int. No. 84)

Authorizing Extension Of The Agreement With The University Of
Rochester For Use Of The Genesee Valley Ice Rink

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an extension through August 31, 2012 of the agreement with the University of Rochester for use of the Genesee Valley Ice Rink. The University of Rochester shall be obligated to pay an annual fee of \$45,000 for said use.

Section 2. The agreement extension shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-84
Re: CDBG Appropriation and Budget
Amendment - City Recreation Elite
Basketball League

Transmitted herewith for your approval is legislation appropriating \$10,000 from the Community Needs allocation of the 2008-09 Community Development Block Grant and amending the 2008-09 Budget of the Department of Recreation and Youth Services to include these funds to support the Elite Basketball League as part of the City's youth basketball program.

This is the second year for the City Recreation Elite Basketball League which provides opportunities for a greater number of teams to participate. The Elite League will include up to 24 teams. Enhancements include the addition of uniforms, field trips, referees, mandatory youth asset development and character education workshops, and a technology-based literacy component to support academic enrichment.

A project description and budget are attached.

March 18, 2009

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-28

Ordinance No. 2009-84
(Int. No. 85)

Amending The 2008-09 Budget For An Elite Basketball League

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$10,000, which amount is hereby appropriated from the General Community Needs allocation of the 2008-09 Community Development Program to fund an Elite Basketball League for city youth.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-85
Re: STOP Violence Against
Women Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Division of Criminal Justice Services for the application for, and receipt and use of, a \$67,303 grant for the Stop Violence Against Women Program (VAWA) for the period January 1 through December 31, 2009. This grant renewal and the required 25% match were anticipated in the 2008-09 Budget of the Police Department; no budget amendment is required.

The VAWA Program is intended to provide assistance to victims of domestic violence to ensure their immediate safety and to help them secure safe housing. Services include contacting victims prior to the arraignment of the perpetrators, to offer legal advocacy, and other appropriate follow-up services to ensure their continued safety.

This is the tenth round of funding awarded under the VAWA program. The funding partially reimburses the cost of three Counseling Specialists and some support costs for the Police Department's Family & Victim Services Section. The 2009 award represents a reduction of approximately 3% from the previous award, which was authorized by City Council Ordinance No. 2008-28 in January 2008.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-29

Ordinance No. 2009-85
(Int. No. 86)

March 18, 2009
Authorizing An Application And Agreement For The STOP Violence
Against Women Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to submit an application to and enter into an agreement with the New York State Division of Criminal Justice Services for funding for the 2009 STOP Violence Against Women Program.

Section 2. The application and agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-86
Re: Agreements - Biz Kid\$ and
Jr. Recreation Programs

Transmitted herewith for your approval is legislation related to the operation of the Biz Kid\$ and Jr. Recreation Leader programs. This legislation will:

1. Establish \$13,000 as maximum compensation for an agreement with Coordinated Care Services, Inc. to provide a coordinator for the Jr. Recreation Leader and Biz Kid\$ programs from July 1, 2009 through June 30, 2010. The following actions related to the General Community Needs allocations of the Community Development Block Grant are required to fund the agreement:
 - a. Appropriate \$5,173 from 2004-05;
 - b. Amend Ordinance No. 2008-34, which authorized funding for the Jr. Recreation Leader Program, to re-appropriate \$1,418 of the 2004-05 amount authorized in that legislation for the current agreement; and
 - c. Amend Ordinance No. 2008-73, which authorized funds for the Jr. Recreation Leader and BizKid\$ Programs, to re-appropriate \$6,409 of the 2005-06 amount authorized in that legislation for the current agreement.
2. Establish \$12,000 as maximum compensation for an agreement with the Credit Education Bureau to provide assistance in coordinating the Biz Kid\$ and Beyond program for BizKid\$ graduates from May 1, 2009 through April 20, 2010. The cost of this agreement will be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Since 2001, the Jr. Recreation Leader Program has annually provided job readiness training for fifteen City youth ages 14 and 15. Each of those youth also participates in a six-month internship with the Bureau of Recreation. The Biz Kid\$ program, operating since 1999, has provided an opportunity for City youth to participate in an entrepreneurial program that teaches basic business skills. The program encourages youth enterprise and provides business start-up grants for graduates.

Funding for these programs was most recently approved by Council via Ordinances No. 2008-33 and 2008-73.

March 18, 2009

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-30

Ordinance No. 2009-86
(Int. No. 87)

Authorizing Agreements And Amending Ordinances No. 2008-34
And 2008-73 For The Junior Recreation Leader And Biz Kid\$
Programs

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with Coordinated Care Services, Inc. to provide a coordinator for the Junior Recreation Leader and Biz Kid\$ Programs.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$13,000, and of said amount, or so much as may be necessary, \$5,173 is hereby appropriated from the General Community Needs allocation of the 2004-05 Community Development Program, \$1,418 is hereby appropriated from the General Community Needs allocation of the 2005-06 Community Development Program and \$6,409 is hereby appropriated from the General Community Needs allocation of the 2006-07 Community Development Program.

Section 3. Ordinance No. 2008-34, relating to the Junior Recreation Leader 2 Program, is hereby amended by reducing the amount authorized and appropriated therein by the sum of \$1,418, which amount is reappropriated in Section 2.

Section 4. Ordinance No. 2008-73, relating to the Junior Recreation Leader and Biz Kid\$ Programs, is hereby amended by reducing the amount authorized and appropriated therein by the sum of \$6,409, which amount is reappropriated in Section 2.

Section 5. The sum of \$12,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Credit Education Bureau for the Biz Kid\$ and Beyond Program. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 6. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 7. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-87
Re: Agreement - The Center for
Youth, Teen Court

Transmitted herewith for your approval is legislation establishing \$50,000 as maximum compensation for an agreement with the Center for Youth to provide administrative services to Rochester Teen Court. The cost of this agreement will be funded from the 2008-09 Budget of the Department of Recreation and Youth Services. This agreement will cover the period of January 1, 2009-December 31, 2009.

March 18, 2009

Rochester Teen Court is a community-based prevention and intervention program that promotes peer justice and reinforces youth responsibility while educating youth about the judicial process. One of the first teen courts in New York State, the Rochester court handles truancy and traffic matters. The court also, uniquely, handles arrests for violations and crimes under the New York Penal Law.

Teen Court, historically funded solely by the City, is now accepted as a community resource, to be supported by several agencies. Currently, support is offered by the following:

<u>Agency</u>	<u>Support</u>
County Court (NYS Office of Court Adm.)	Facilities, utilities, office supplies, security
City School District	\$50,000
Wilson Foundation	\$15,000
Monroe County Bar Assn Foundation	\$ 9,000
Greater Rochester Assn of Women Attys	\$ 1,000
Individual donations	Wearing apparel for participants
Judges & attorneys	Volunteer time and expertise

With the commitment from participating agencies and volunteers to seek additional funding sources, the City will decrease its contribution next year. It is expected that beginning in 2010-11, Teen Court will no longer depend on City funds.

A budget and program description summary are attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-31

Ordinance No. 2009-87
(Int. No. 88)

Establishing Maximum Compensation For A Professional Services
Agreement For The Rochester Teen Court

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$50,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and the Center for Youth for administrative services for the Rochester Teen Court for 2009. Said amount shall be funded from the 2008-09 Budget of the Department of Recreation and Youth Services.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Warren - 8.

Nays - None - 0.

Councilmember Spaull abstained because she is an employee of an agency that will receive funding.

TO THE COUNCIL

March 18, 2009

Ladies and Gentlemen:

Ordinance No. 2009-88
Re: Agreements - Adolescent Pregnancy
Prevention Services Program

Transmitted herewith for your approval is legislation authorizing an agreement with the New York State Department of Health for the receipt and use of a \$354,752 grant for the Adolescent Pregnancy Prevention Services Program, and establishing maximum compensation, to be financed from the grant, with the CONECTS (Community Organization Networking and Engaging Children and Teens through Support) consortium of providers as follows:

Charles Settlement House Inc.	\$ 48,972
Junior Achievement	3,400
Society for the Protection & Care of Children	82,000
Baden Street/Metro Council For Teen Potential	48,839
Puerto Rican Youth Development	16,267
YWCA of Rochester and Monroe County	<u>68,839</u>
	\$268,317

The remaining amount, \$86,435, is included in the 2008-09 Budget to cover administrative costs associated with the City of Rochester's role as lead agency. These amounts represent a 6% decrease from the prior year, due to cutbacks by the State.

The CONECTS program, initiated in 1984, is a consortium of agencies whose purpose is to reduce the rate of initial and repeat teen pregnancies and provide services to pregnant or parenting teenagers. The City's Bureau of Youth Services is the lead agency for the grant, and the Metro Council for Teen Potential serves as the policy-making community board for the collaborative.

Providers were selected through a Request for Proposal application and review process, administered by the Bureau of Youth Services in partnership with the CONECTS Collaborative in July 2006. The approval of the program by the State is for a five-year term, April 2007 to March 2012. Unless an agency is not performing to contract, a new RFP will not be required until 2011.

The program will serve a total of 390 youth and their families. A project information summary is attached.

The Metro Council for Teen Potential (Community Council for APPS) and the NYS Dept of Health reserve the right to allocate funds between subcontractors as needed during the contract year.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AI-32

Ordinance No. 2009-88
(Int. No. 89)

Authorizing Agreements For The Adolescent Pregnancy Prevention
Services Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the New York State Department of Health for the receipt and use of funding for the operation of the Adolescent Pregnancy Prevention Services Grant Program.

March 18, 2009

Section 2. The Mayor is hereby authorized to enter into agreements with the following organizations in amounts not to exceed the following for services under the New York State Adolescent Pregnancy Prevention Services Grant Program:

<u>Organization</u>	<u>Amount</u>
Charles Settlement House, Inc.	\$48,972
Junior Achievement	\$ 3,400
Society for the Protection & Care of Children (TAPSS)	\$82,000
Baden Street/Metro Council for Teen Potential	\$48,839
Puerto Rican Youth Development	\$16,267
YWCA of Rochester & Monroe County	\$68,839

In the event that all funds for a specific agreement are not expended, the Mayor is authorized to enter into amendatory agreements with the above organizations to use the unexpended funds.

Section 3. The agreements shall obligate the City to pay an amount not to exceed \$268,317, and said amount, or so much thereof as may be necessary, is hereby appropriated from the funds to be received from the New York State Department of Health.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2009-89
Re: Budget Amendment - After School
Alliance

Transmitted herewith for your approval is legislation amending the 2008-09 Budget by transferring \$76,500 from Contingency to the 2008-09 Budget of the Department of Recreation and Youth Services (\$71,300) and to the 2008-09 Undistributed allocation (\$5,200) to fund after school activities and associated indirect expenses.

In December (Ordinance No. 2008-434), Council authorized \$76,500 to extend after school programming at various City recreation sites through March 31, 2009. This budget amendment will enable these programs to continue operation through June 30, 2009.

The City, United Way, and the Rochester Area Community Foundation, as part of an after school alliance team, are in the final phase of designing a plan for an on-going after school program. This three-month extension will allow the alliance more time to finalize the details of the program, without a break in service to children.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-89
(Int. No. 94)

March 18, 2009
Amending The 2008-09 Budget To Continue Expanded Hours At
Recreation Sites

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2008-198, the 2008-09 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$71,300 from the Contingency Account to the Department of Recreation and Youth Services and the sum of \$5,200 from the Contingency Account to Undistributed Expense to continue funding for expanded hours at recreation sites.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Introductory No. _____ was introduced _____ and appears in its original form with it's transmittal letter on page _____ of the current Council Proceedings.

Ordinance No. 2009-90
(Int. No. 24)

Establishing Maximum Compensation For A Professional Services
Agreement For Psychological Evaluation Services For The
Rochester Police Department

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Law Enforcement Psychological Associates for psychological fitness for duty evaluations for the Rochester Police Department. Said amount shall be funded from the 2008-09 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

Councilmember McFadden moved to discharge Int. No. 92 from committee.

The motion was seconded by Councilmember Spaul.

The motion was adopted by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, McFadden, Miller, Palumbo, Pritchard, Spaul, Warren - 9.

Nays - None - 0.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Ordinance No. 2009-91
Amendatory Agreement -
Sam Asher Computing
Services, Hyper-Reach

March 18, 2009

Notification System

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Sam Asher Computing Services, Inc., for continued access to the consultant's Hyper-Reach notification system. This agreement has been in effect since November 2005, with the annual cost of \$7,000 financed from the Budgets of the Police Department. Council authorization is requested this year for an amendatory agreement since the firm is also currently under contract with the Emergency Communications Department, with maximum compensation established at \$50,000 (Ordinance No. 2007-473).

The Hyper-Reach system enables the user to instantly send pre-recorded voice messages to a pre-determined list of clients. The message can be modified and efficiently delivered to a large number of recipients in a short time span. The Police Department uses the system to contact potential Police Officer recruits at various stages of the application and approval process.

The amendatory agreement will extend the term by one year, to November 14, 2009; the \$7,000 to cover this period will be financed from the 2008-09 Budget of the Police Department.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2009-91
(Int. No. 92)

Establishing Maximum Compensation For A Professional Services
Agreement For Notification Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$7,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Sam Asher Computing Services, Inc. for telephone notification services for the Rochester Police Department. Said amount shall be funded from the 2008-09 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed by the following vote:

Ayes - President Santiago, Councilmembers Conklin, Lightfoot, Miller, Palumbo, Pritchard, Spaul, Warren - 8.

Nays - Councilmember McFadden - 1.

The meeting was adjourned at 8:30 P.M.

DANIEL B. KARIN
City Clerk